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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-ninth session
Agenda item 9 (d)

THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

JUVENILE JUSTICE

Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer: draft resolution

1997/... Juvenile justice

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of its decision at its present session to include the question of juvenile justice as sub-item (d) of item 9 dealing with the administration of justice and human rights,

Recalling that Ms. Lucy Gwanmesia, as a member of the sessional working group on the administration of justice and the question of compensation, was requested at the 1996 session of the working group to prepare a working paper on juvenile justice,

Recalling that article 37 of the Convention on the Rights of the Child provides that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment and that neither capital punishment nor life imprisonment shall be imposed on children, and that no child shall be detained or imprisoned except in conformity with the law,

Reaffirming section I, paragraph 21, of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, in which the Conference, welcoming the early ratification of the Convention on the Rights of the Child by a large number of States, urged universal ratification of the Convention by 1995 and its effective implementation by States parties through the adoption of all the necessary legislative, administrative and other measures,

Mindful of the international human rights instruments pertaining to the question of juvenile justice, in particular the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"),

1. Notes with interest the discussions at the 1996 sessional working group on the administration of justice concerning the question of juvenile justice (see E/CN.4/Sub.2/1997/21, chap. V) and mindful of the importance attached to this question expressed during the discussion by the Sub-Commission of the report of the working group;

2. Regrets that in contravention of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") many States continue to detain children with adult prisoners;

3. Also regrets that in many States the system of administration of justice fails to take account of the special psychological and physical needs of children;

4. Calls upon States to provide for the establishment of juvenile courts in their respective system of administrative justice;

5. Notes with regret that the Committee on the Rights of the Child has so far been unable to adopt any general comments on the Convention on the Rights of the Child;

6. Decides to request Ms. Lucy Gwanmesia to prepare, without financial implications, a detailed working paper on juvenile justice to be submitted to the Sub-Commission at its fiftieth session;

7. Invites the relevant organizations and bodies of the United Nations system, in particular the United Nations Children's Fund and the Committee on the Rights of the Child, to cooperate with Ms. Gwanmesia in the preparation of her working paper.